

**REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

**I. Status of the Application**

Claims 1 and 2 are currently pending in this application.

**II. Rejection under 35 U.S.C. § 102**

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,157,941 to Cur et al. ("Cur"). Applicants amend claims 1 and 2 to further clarify the nature of their invention, and respectfully traverse this rejection..

Cur discloses a tube and fin-type evaporator intended for use in a refrigerator (see, e.g., abstract of Cur). With reference to FIGs. 2 and 3 of Cur, the Examiner finds that Cur discloses an evaporator for a refrigerator system comprising a tube 26 provided with fins and bent in the form of a coil such that tube portions are arranged parallel to each other in a direction that is transverse to the direction of a forced airflow through the evaporator, and where refrigerating fluid flows through the coil in a direction counter to the direction of forced airflow.

Applicants amend current independent claim 1 to further clarify that the claimed tube portions 20a of the evaporator coil arranged in parallel rows hat each define a plane which is substantially perpendicular to the direction of a forced airflow through the evaporator (see, e.g., Applicants' FIGs. 4 - 6). In sharp contrast, rows of tube portions of the tube 26 disclosed by Cur define no planes that are substantially perpendicular to a direction of airflow, but rather define planes at either an acute angle or an obtuse angle to the direction of airflow (see, e.g., FIG. 2 of Cur).

Applicants also amend dependent claim 2 to further clarify that parallel rows of paired tube portions are alternatingly staggered along their respective planes (see, e.g., Applicants' FIGs. 5 and 6). In sharp contrast, parallel tube portion pairs of the tube 26 disclosed by Cur are not arranged

in an alternatingly staggered pattern, but rather are arranged in a linear array (see, e.g., FIG. 2 of Cur).

Accordingly, Applicants respectfully submit that neither amended independent claim 1 nor amended dependent claim 2 are anticipated by Cur, and are therefore currently allowable.

### **CONCLUSION**

Therefore, in view of the above amendments and remarks, it is respectfully requested that a Notice of Allowance as to all pending claims be issued in this case.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By



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